

PCA Cases at OAH - Training for Case Managers on Financial Eligibility Issues

Checklist for OAH Cases

1. The **hearing request** may be emailed to oah.filing@dc.gov (email recommended).
 - a. Indicate who is making the request for Petitioner.
 - b. List contact information for Petitioner: street address, email, and telephone.
 - c. List **contact information for Petitioner's representative**: name, organization, address, email, telephone. Indicate if consent to serve by email.
 - d. A **case manager** *may* serve as Petitioner's representative. OAH Rule 2972.1.
 - e. Identify program (e.g. Medicaid or EPD Waiver), type of service (e.g. PCA services), and challenged agency action (e.g. denial, termination, reduction, or inaction) and, if available, include a copy of the adverse agency decision.
 - f. If Petitioner needs a **telephone hearing**, explain why. [all by telephone now]
 - g. Does Petitioner need an **interpreter**? For what language?
 - h. Representative may **request to expedite** the case because Petitioner is seeking to start or restart PCA services, not simply continue services being received.
2. Communication with OAH after the hearing request.
 - a. General rule: **"file" a document** (e.g. email it to OAH at oah.filing@dc.gov) *and* "serve" the document on (send a copy to) each opposing party. Email to DHS at dhs.oah.esa@dc.gov and to DHCF at dhcfogc.filing@dc.gov.
 - b. A request to **withdraw** a hearing request (motion for voluntary dismissal): state who is making the request for Petitioner and the reason for the request.
 - c. A request to **reschedule** a status conference or hearing: before filing, try to reach the other side to discuss and agree on alternative dates.
 - d. A request to **expedite** a case: state how expediting the case helps Petitioner.
 - e. Request for **reconsideration** (filed within 15 days after mailing of Final Order) or request for relief from the Final Order (filed more than 15 days after mailing of Final Order) -- Does Petitioner have a good reason for missing the hearing? What is Petitioner's claim? Certify that no appeal has been filed.
3. Expectations for representatives.
 - a. If Petitioner meets DHCF's required level of care to be eligible for PCA services, assist Petitioner with **DHS's review of financial eligibility**.
 - b. **Communicate with Petitioner** (e.g. decision to file hearing request, to seek administrative review, or to settle). Are services currently being received?
 - c. Attend all **status conferences** and be prepared to update the judge.
 - d. Pursue **administrative review** at DHS (in addition to a fair hearing at OAH).
 - e. Case management: **withdraw a hearing request** if no longer needed.
 - f. File/serve documents (exhibits) 5 days before hearing: e.g. financial records.
 - g. Arrange for **witnesses** to testify at the hearing. Can ask OAH for a **subpoena**.
 - h. Attend the hearing and, if needed, testify at the hearing.
4. OAH Consolidated Rules – current version posted at oah.dc.gov ("Rules and Laws").
 - a. Consult **special rules for Public Benefits cases**, sections 2970 through 2978.
 - b. Representatives (Rule 2972.1), Missed hearing - dismissal without prejudice (Rule 2976.2), Reconsideration/Relief from Final Order (section 2828).

Bennett Rushkoff
Principal ALJ
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